

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN JORY BRAA,

Petitioner,

v.

JEFFEREY PERKINS,

Respondent.

Case No. C24-167-JCC-MLP

ORDER OF TRANSFER

Petitioner Kevin Braa is a state prisoner who is currently incarcerated at the Coyote Ridge Corrections Center in Connell, Washington. The Court has received from Petitioner a petition for writ of habeas corpus under 28 U.S.C. § 2254, which seeks to challenge a 2008 judgment and sentence of the Snohomish County Superior Court. (Dkt. # 6.) Petitioner submitted with his petition an application for leave to file a second or successive petition under § 2254, which was directed to the United States Court of Appeals for the Ninth Circuit but was filed in this Court instead. (Dkt. # 6-1.) Petitioner indicated in his application for leave to file a second or successive petition that he had previously filed a federal habeas petition in this district challenging the same Snohomish County Superior Court conviction, which was dismissed as

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1 time barred. (*See id.* at 2.) This Court's records confirm that Petitioner filed a previous petition
2 here which was dismissed in March 2013. *See Braa v. Uttecht*, C12-1654-RSL.

3 As Petitioner is apparently aware, this Court is without jurisdiction to consider a
4 successive petition until the Ninth Circuit Court of Appeals has authorized its filing. 28 U.S.C.
5 § 2244(b)(3)(A). Indeed, it appears that Petitioner's materials were sent to this Court in error and
6 were intended to have been submitted to the Ninth Circuit in the first instance. Accordingly, this
7 case is hereby TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C.
8 § 1631 and Ninth Circuit Rule 22-3.

9 The Clerk is directed to close this case and to transfer all original documents to the Ninth
10 Circuit Court of Appeals. The Clerk shall, however, retain a copy of the petition and of this
11 Order in the file. The Clerk is further directed to send a copy of this Order to Petitioner and to
12 the Honorable Michelle L. Peterson.

13 DATED this 19th day of March, 2024.

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16 JOHN C. COUGHENOUR
United States District Judge

17 Recommended for Entry this
18 19th day of March, 2024.

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21 MICHELLE L. PETERSON
22 United States Magistrate Judge
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